



**United States Environmental Protection Agency  
Region I  
5 Post Office Square, Suite 100  
Boston, Massachusetts 02109-3912**

June 1, 2015

**Certified Mail  
Return Receipt Requested**

Mark Cook, President  
Advance Coatings Company  
42 Depot Road  
Westminster, MA 01473

Re: Request for Information Pursuant to Section 308 of the Clean Water Act,  
Docket No. CWA-01-308-15-024

Dear Mr. Cook:

On April 30, 2015, the U.S. Environmental Protection Agency, Region I ("EPA") inspected the Advance Coatings Company located at 42 Depot Road, Westminster, Massachusetts ("the Facility"). The inspection revealed concerns about the Facility's compliance with the requirements of the federal National Pollution Discharge Elimination System ("NPDES") stormwater permitting program found at Title 40, Code of Federal Regulations ("40 C.F.R.") Part 122 and the Spill Prevention, Control, and Countermeasure ("SPCC") requirements as identified in the Oil Pollution Prevention regulations found at 40 C.F.R Part 112.

Many industrial and commercial facilities that discharge wastewater are regulated under the Clean Water Act ("CWA"). One provision of the CWA addresses discharges of stormwater associated with industrial activity to navigable waterways of the United States.

The SPCC rule provides requirements for oil spill prevention, preparedness, and response to prevent oil discharges to navigable waters and adjoining shorelines. The rule requires specific facilities to prepare, amend, and implement SPCC Plans.

The EPA requires the Facility to provide the information requested in Attachment A within fourteen (14) calendar days of receipt of this letter. EPA makes this request under the authority of the CWA. Section 308(a) of the CWA, 33 U.S.C. § 1318(a) authorizes EPA to require the submission of any information necessary to determine whether any person is in violation of requirements under the Clean Water Act, 33 U.S.C. § 1251 et seq.

## Guidance on How to Respond

Please respond separately to each of the questions, referencing each question by number. The response must include copies of all records and information available to the Facility that are referenced in the response.

As part of the response, please complete the enclosed declaration (Attachment B) and provide a cover letter specifying what documentation has been included in the response to answer each question. If the documentation that supports a response to one item duplicates the documentation that supports another item, submit only one copy of the document.

## Important Information About This Request and the Response

Compliance with this request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond, can result in an enforcement action by EPA pursuant to Section 309 of the CWA, 33 U.S.C. §1319, which provides for administrative, civil, and criminal penalties. In addition, any person who knowingly submits false information may be subject to criminal prosecution under 18 U.S.C. §1001. If information or documents not known or available to the Facility as of the date of submission of the response to this request should later become known or available to the Facility, the Facility must supplement its response to EPA. Moreover, should the Facility find at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, the Facility must notify EPA of this fact, and provide a corrected response.

The Facility may assert a business confidentiality claim with respect to part or all of the information submitted to EPA in the manner described at 40 C.F.R. Part 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means, of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to EPA, it may be made available to the public by EPA without further notice to the Facility.

As indicated above, all information requested in Attachment A shall be submitted within fourteen (14) calendar days of receipt of this letter. Information requested pursuant to this information request shall be sent by certified mail and shall be addressed as follows:

United States Environmental Protection Agency, Region I  
Office of Environmental Stewardship, CMP  
5 Post Office Square (Suite 100)  
Boston, MA 02109-3912  
Attn: David Pincumbe (Mail Code OEP06-1)

Enclosed with this information request is an information sheet intended to assist small business, as defined by the Small Business Administration (“SBA”) at 13 C.F.R. Part 121.201, in understanding and complying with environmental regulations. The EPA is routinely providing

this information to businesses, whether or not they are small businesses as defined by the SBA, in the course of the EPA's enforcement activities.

If you have any technical questions regarding this information request, please contact David Pincumbe at (617) 918-1695, and if you have any legal questions contact Michael Wagner at (617) 918-1735.

Sincerely,

A handwritten signature in dark ink, appearing to read "James Chow", with a stylized, flowing script.

James Chow, Manager  
Technical Enforcement Office  
Office of Environmental Stewardship

Attachments

cc: Michele Delemarre, MassDEP



## **Attachment A**

**Advance Coatings Company  
42 Depot Road  
Westminster, MA 01473**

### **Clean Water Act Questions**

Please respond to each question for the facility located at 42 Depot Road in the Town of Westminster, Massachusetts (the "Facility").

#### ***General Questions:***

1. Please provide the full name and telephone number for the Facility, and name(s) of the responsible official(s) at the Facility. Provide the full name of the entity that owns the Facility.
2. Please provide a current organizational chart for management personnel.
3. Please indicate which Standard Industrial Classification code(s) apply to operations at the Facility.

#### ***Industrial Stormwater Questions:***

1. Provide a list and detailed description of all operations, including storage of industrial materials, that are conducted outside and whether the activity is exposed to stormwater.
2. Provide a detailed site diagram that illustrates the location where each of these operations take place, the direction of surface water flow from these operations, and the location of all storm drains. Also include a description of the methodology used for determining the direction of surface water flow.
3. Verify the ultimate location of the discharge for each storm drain, including a diagram showing the discharge locations, and provide a detailed description of how the ultimate discharge locations were determined.
4. Provide the following information relative to stormwater permit coverage:
  - a. Provide a copy of each original signed (and dated) application or Notice of Intent ("NOI") used to obtain permit coverage under *EPA's Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activities*, effective September 29, 2008 (the "2008 MSGP").

- b. Provide a copy of the permit or permit authorization notice as well as the permit number and the dates of coverage.
- c. If stormwater permit coverage was not sought, provide a detailed explanation of your reason(s) for not obtaining permit coverage and a copy of the No Exposure Certification submitted in lieu of obtaining permit coverage under the 2008 MSGP.

***Oil Pollution and Prevention Questions:***

1. Provide a list of all the oil storage capacity at the Facility, both underground and aboveground (including tanks, drums, transformers, oil-filled systems, etc.) and the type of oil stored in each container. Indicate each container's age and method of construction (e.g., single or double wall, welded or riveted, steel or fiberglass). Also indicate whether any secondary containment is provided around each container, and, if so, its method of construction (earth berm, steel wall, concrete block wall, poured concrete wall) and the total volume it can contain. Under 40 C.F.R. §112.2, "oil" is defined as oil of any kind or in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredged spoils.
2. The date the Facility first started having the capacity to store oil above the SPCC regulatory thresholds set forth in 40 C.F.R. §112.1(d)(1) (i.e., the SPCC-regulated underground oil storage capacity of a facility is greater than 42,000 gallons –or– the aboveground oil storage capacity of a facility is greater than 1,320 gallons).
3. The date the Facility began operating and, if different, the date the current owner took over ownership of the Facility. If the Facility is operated by an entity other than the owner, also include the date the current operator took over operation of the Facility.
4. Please indicate whether the facility has a written, Professional Engineer-certified SPCC Plan or a written, self-certified SPCC Plan, and whether the SPCC Plan is being fully implemented at the Facility. Please submit a copy of the Facility's SPCC Plan.
5. If the facility does not have an SPCC Plan, and is now in the process of developing a SPCC Plan post-inspection, please provide a schedule of when the facility will have a fully implemented SPCC Plan, identify the cost of preparing the SPCC Plan, and any additional costs for implementing the plan (including the cost of constructing any additional secondary containment at the facility). When the SPCC Plan is finalized, please submit a copy of it.

End of Questions.

## ATTACHMENT B

**Advance Coatings Company  
42 Depot Road  
Westminster, MA 01473**

### **Declaration**

#### Complete and Include With Your Response

I declare under penalty of perjury that I am authorized to respond on behalf of the Advanced Coatings Company. I certify that the foregoing responses and information submitted were prepared by me, or under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information. I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

By \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)